



Attorney Docket No. 021200.0101PTUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Timothy Baugn et al.

Group Art Unit: 3634

Application No.: 10/796,969

Examiner: Not yet assigned

Filed: March 11, 2004

Title: INTEGRATED STORM SHUTTER

PETITION UNDER 37 C.F.R. §1.47

Hon. Commissioner of Patents
Washington, D.C. 20231

Sir:

Applicants respectfully petition, pursuant to 37 C.F.R. § 1.47, to accept the present application as being filed on behalf of the non-signing inventors.

OATH OR DECLARATION BY ALL AVAILABLE INVENTORS

Applicants submit herewith a copy of the Notice to File Missing Parts, mailed June 1, 2004, along with a declaration executed by all available inventors who were willing to sign.

IDENTIFICATION OF NON-SIGNING INVENTORS & LAST KNOWN ADDRESSES

Douglas Oakey is a named inventor, and has refused to join the present application, both by express statement to Southern Extrusions, Inc, ("Southern Extrusions") the owner of all rights title and interest in the present application, and by making his whereabouts unknown to any of Southern Extrusions, the undersigned counsel, and the available inventors who were willing to

10/04/2004 SSITHIB1 00000143 500709 10796969

02 FC:1460 130.00 DA

sign the Declaration attached herewith. Douglas Oakey's last known address information is as follows:

Douglas Oakey
3371 Crestview Lane
Gulf Breeze, FL 32563

805-934-8446

PROOF OF UNAVAILABILITY OR REFUSAL

Applicants submit herewith the Declaration of Laurence E. Stein, with Exhibits, in support of this petition. It is respectfully submitted that the Declaration of Laurence E. Stein and Exhibits attached thereto establish: (i) a copy of the attached application and declaration signed by all joint inventors other than Douglas Oakey was sent to his last known address; (ii) Douglas Oakey was requested to join in the application by executing the declaration; and (iii) the conduct of Douglas Oakey constitutes a refusal to join in the application.

RELIEF REQUESTED & CONCLUSION

In light of the above, Applicants request that the present application be accepted as complete. To the extent that it is determined that relief is inappropriate pursuant to 37 C.F.R. § 1.47, Applicants hereby request that this petition be considered under to 37 C.F.R. § 1.181 and/or § 1.183.

Please charge the petition fee of \$130.00, pursuant to 37 C.F.R. § 1.17(h), to the undersigned's Deposit Account No. 50-0709.

A Request for Two-Month Extension of Time, extending the due date for responding to the Notice of Missing Parts from August 1, 2004 to and including October 1, 2004, is submitted herewith.

Should this petition be considered insufficient, or the relief requested not be granted for any reason, Applicants respectfully request that this be considered a *bona fide* attempt to respond to the Notice to File Missing Parts of June 1, 2004, and that Applicants be permitted an opportunity to supplement this response.

Respectfully submitted,

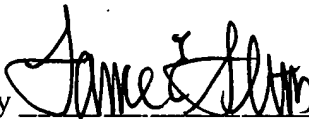
Date October 1, 2004

PATTON BOGGS LLP

Customer Number: 41434

Telephone: (202) 457-6491

Facsimile: (202) 457-6315

By 

Laurence E. Stein

Attorney for Applicant

Registration No. 35,371

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Timothy Baugn et al.

Group Art Unit: 3634

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Examiner: Not yet assigned

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DECLARATION OF FACTS IN SUPPORT OF PETITION UNDER 37 C.F.R. §1.47

Hon. Commissioner of Patents
Washington, D.C. 20231

Sir:

My name is Laurence E. Stein. I am an attorney of record in the above-identified patent application.

On February 10, 2004 I forwarded a copy of U.S. Patent Application Serial No. 10/796,969, as filed, along with an unexecuted declaration and power of attorney, and cover letter (attached as Exhibit No. 1) to the last known address of Douglas Oakey via Registered Mail/Return Receipt Requested.

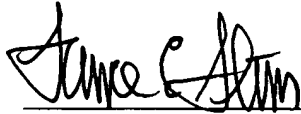
In the aforementioned Exhibit No. 1 cover letter, Douglas Oakey was requested to execute the declaration and power of attorney and return it to the undersigned for filing in the United States Patent and Trademark Office.

On October 1, 2004, the United States Post Office returned the package enclosed with the Exhibit No. 1 cover letter, with an affixed official Post Office label of "Return to Sender – Moved Left No Address." See Exhibit No. 2.

On or about September 15, 2004, I telephoned the last known phone number of Douglas Oakey, which was 805-934-8446, and was told by the answering party that Douglas Oakey was not the person associated with that phone number, and that the answering party had no knowledge of the whereabouts of Douglas Oakey.

On September 22, 2004, I e-mailed an unexecuted declaration and power of attorney, with a copy of the present application, to the last known e-mail address of Douglas Oakey, and the e-mail was returned as "Undeliverable ... MAILBOX NOT FOUND." See Exhibit No. 3.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.



Laurence E. Stein
10/1/2004

Date



2550 M Street, NW
Washington, DC 20037-1350
202-457-6000

Facsimile 202-457-6315
www.pattonboggs.com

**REGISTERED MAIL/
RETURN RECEIPT REQUESTED**

September 9, 2004

Laurence E. Stein
(202) 457-6491
lstein@pattonboggs.com

Mr. Douglas Oakey
3371 Crestview Lane
Gulf Breeze, Florida 32563

RE: INTEGRATED STORM SHUTTER
Application Number 10/796,969
Attorney Docket No. 21200.0101PTUS

Dear Doug:

I enclose a copy of the official filing receipt in the above-identified patent application. I also enclose a copy of the application as filed.

The receipt confirms that the application was filed in the Patent and Trademark Office on March 11, 2004 and has been assigned Serial No. 10/769,969 in Group Art Unit 3634 for examination purposes.

Also enclosed is a Declaration and Power of Attorney for execution by you and the other inventors. Please return the executed Declaration for filing in the Patent and Trademark Office as soon as possible.

Please call me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Laurence E. Stein', written over a horizontal line.

Laurence E. Stein

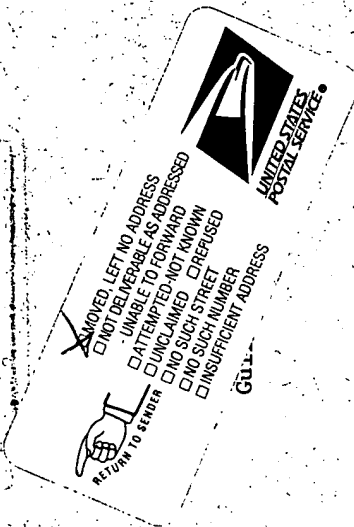
LES/jmt

Enclosures

Laurence E. Stein
Patton Boggs LLP
2550 M Street, N.W.
Washington, D.C. 20037-1350

BEST AVAILABLE COPY

RETURN RECEIPT
REQUESTED



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Douglas Oakey
3371 Crestview Lane
Gulf Breeze, FL 32563

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail
☒ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

RR 735 162 674 US

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

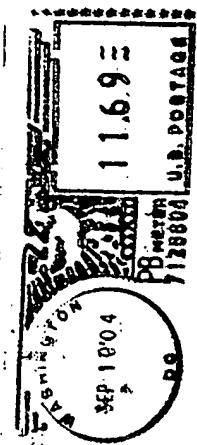
United States Postal Service
REGISTERED MAIL



RR 735 162 674 US

Label 200, July 1999

(102595) 99-M-1904



Stein, Larry

From: System Administrator
To: magnumoakey@aol.com
Sent: Wednesday, September 22, 2004 1:43 PM
Subject: Undeliverable:Returned mail: User unknown



Your message did not reach some or all of the intended recipients.

Subject: Declaration
Sent: 9/22/2004 1:43 PM

The following recipient(s) could not be reached:

magnumoakey@aol.com on 9/22/2004 1:43 PM

The e-mail account does not exist at the organization this message was sent to. Check the e-mail address, or contact the recipient directly to find out the correct address.

< rly-yi02.mx.aol.com #5.1.1 SMTP; 550 MAILBOX NOT FOUND>